

**Agricultural Marketing Services  
National Organic Standards Board  
Membership Balance Plan**

**1. Committee's Official Designation**

National Organic Standards Board (NOSB)

**2. Authority**

Section 2119 of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act), Public Law Number 101-624, enacted the Organic Foods Production Act of 1990 (OFPA), which required the establishment of a National Organic Standards Board (NOSB).

**3. Objectives and Scope of Activities**

The purpose of the NOSB is to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of Title XXI of the FACT Act and OFPA. The NOSB also provides effective and constructive advice, clarification, and guidance to the Secretary of Agriculture concerning the National Organic Program (NOP).

Key activities of the Board include: assisting in the development of organic standards and regulations; reviewing petitioned materials for recommending inclusion on or deletion from the National List of Approved and Prohibited Substances (National List); recommending changes to the National List; communicating with the organic community, listening to public comments at public meetings; and communicating and coordinating with the NOP staff.

**4. Points of View Needed for the Committee**

OFPA specified the membership composition of the NOSB to ensure there was a balance and diversity in viewpoints to represent a wide range of agricultural interests. OFPA specified that there be 15 members of the Board, to include:

- four who own or operate an organic farming operation;
- two who own or operate an organic handling operation;
- one who owns or operates a retail establishment with significant trade in organic products;
- three with expertise in areas of environmental protection and resource conservation;
- three who represent public interest or consumer interest groups;
- one with expertise in the fields of toxicology, ecology, or biochemistry; and
- one who is a certifying agent as identified under section 2116.

## **5. Other Balance Factors**

In addition to the prescribed membership, other balance factors include: expertise and experience, geographic distribution, and industry type and size.

The NOSB addresses a diverse range of topics while conducting business, including Crops, Livestock, Handling and Processing, and Organic Policy. It is important that the members have a broad range of experience and expertise, and the ability to expand that knowledge base. For example, while an expert in organic livestock production brings specialized views and experiences to the Livestock Subcommittee, that individual must also be able to participate in and contribute to crop-related and handling issues, even if those are outside his/her areas of expertise.

Geographic distribution is also important to balance of the Board. Having a membership that represents different regions of the country brings targeted knowledge of specific regional issues while also providing the Board with a more holistic view of the country and world. Currently, all regions of the country are represented: Northeast, Midwest, the South, West, and the Central Pacific.

The current Board also represents a range of industry types and sizes: From small acreage farms to large organic processing operations. The USDA organic regulations do not impose size restrictions for certification, therefore both large scale operations and small scale farms are impacted by NOSB decisions. Representatives who have an understanding of the differences in scale is very important.

Equal opportunity practices in accordance with USDA policies are employed when making decision about all NOSB appointments. Membership includes, to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

## **6. Candidate Identification Process**

Nominations are invited via several avenues, including: A Federal Register notice, announcements via electronic postings and mailings to agricultural groups with interest in organic issues, website postings, newsletters, press releases, and verbal announcements at NOSB meetings. AMS has prepared a separate comprehensive outreach plan for the Board nomination process.

Once candidates have been identified, names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the committee due to criminal or ethical violations.

Candidates are further evaluated by USDA offices according to governing statutes, regulations and administration policy. Candidates are then submitted for final recommendation(s) to the USDA Chief of Staff, who submits a list of candidates to the Secretary for appointment.

## **7. Subcommittee Balance**

The National Organic Standards Board currently has the following Subcommittees: Crops; Livestock; Handling; Materials and Genetically Modified Organisms; Compliance, Accreditation, and Certification; and Policy Development. Subcommittee members are selected by the NOSB Chair in conjunction with the Subcommittee Chairs based on expertise and interest

Each Subcommittee is comprised of a subset of NOSB members that represents a cross section of expertise. For example, the Crops Subcommittee may include members who have expertise in crop production, as well as someone who raises livestock, or is a chemist with expertise in food ingredients. Furthermore, each Board member serves on multiple Subcommittees, which aids in cross training, and normalization of balance factors across and between the groups.

## **8. Other**

In addition to NOSB membership balance, each NOSB public meeting includes opportunities for public comment, to ensure that stakeholders with a wide range of perspectives have the opportunity to be heard. The Board receives both written public comments before each meeting, and hears oral comments before and at the meeting as well. To ensure participation by a diverse audience, Board meetings are held at different locations across the United States. This allows stakeholders who may be limited by travel constraints to attend the meetings in person.

## **9. Date Prepared or Updated: February 4, 2016**

## **10. Legal Background**

Section 5(b)(2) of the Federal Advisory Committee Act (FACA) requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)). FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (i) The Federal advisory committee's mission;

- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)